



Guide on How to eFile at the Land Court

Created by the Administrative Office of the Land Court

<http://www.efilema.com>

Index

Click on the title to navigate to a specific section of this guide

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DISCLAIMER REGARDING LEGAL ADVICE

Please note that the material in this Guide is intended only for instructional purposes to assist the reader with using the eFileMA.com electronic case filing application. Any sample legal documentation or content provided in this Guide is only for illustrative purposes to provide assistance with entering data into the application.

The information provided in this Guide does not, and is not intended to, constitute legal advice; all information and material in this Guide are provided for general informational purposes. Readers of this Guide should contact the Land Court with any questions concerning case processes/procedures. Readers of this Guide should contact an attorney to obtain advice with respect to particular legal matters.

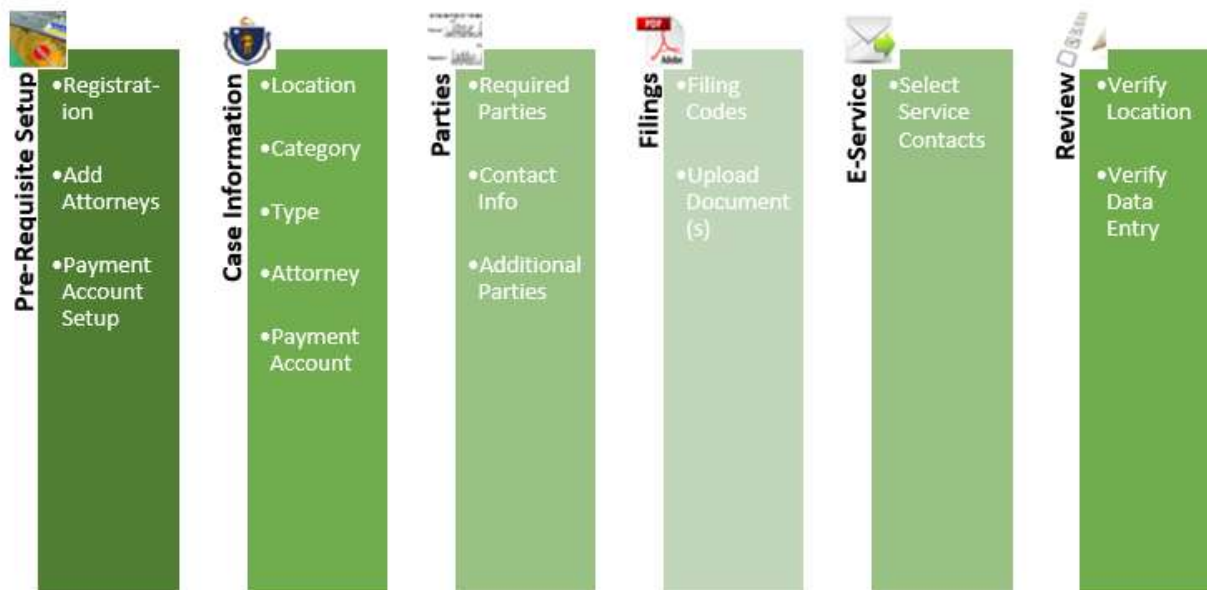
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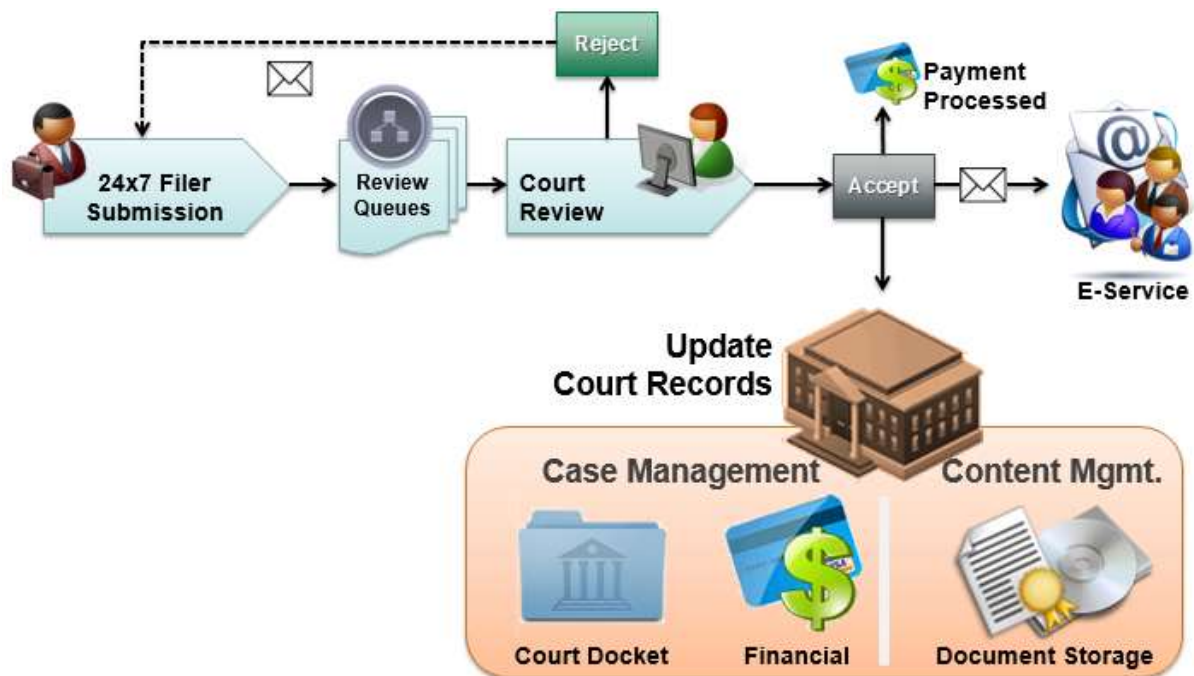
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OVERVIEW OF THE eFILING PROCESS



The diagram above demonstrates an example of the eFiling process.

- To initiate the filing process, the filer will need to register (e.g. Provide firm and contact info) and set up a payment account.
- Next, the filer must input the case information (e.g. location: Land Court Division, Category: Servicemembers, Case Type: eFiled Complaint under Servicemembers Civil Relief Act (\$255.00)).
- The next step is adding a party type (e.g. required Parties like Plaintiff/Defendant or Petitioner/Respondent, Contact information, any additional parties other than required).
- Next, the filer must upload the documents (PDF) and choose the appropriate filing codes.
- This E-Service step allows the filer to electronically serve opposing counsel or party at a later time with subsequent filings. Selecting service contacts is mandatory for Servicemembers cases.
- The final step is for the filer to review and verify the info and documents prior to submission.



This diagram provides a bird's eye view of the case filing process.

For the Massachusetts Rules on Electronic Filing, please refer to Supreme Judicial Court Rule 1:25;
<https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-rule-125-massachusetts-rules-of-electronic>

REGISTRATION



Court Information

Helpful Information for E-Filing

- For an Overview of [E-Filing in the Massachusetts Courts](#).
- Review the [Massachusetts Rules of E-Filing \(SJC Rule 1:25\)](#).
- Standing Orders: [E-Filing in the Supreme Judicial Court](#) and [E-Filing in the Appeals Court](#).
- Instructions for Attorneys for [E-Filing 9A Motions in the Superior Court](#).
- How to [E-File in a Representative Capacity \(Trial Court\)](#).
- Find fillable forms here: [Trial Court E-Filing Forms](#) and [E-Filing & Forms at the Appeals Court](#)

Actions



Sign In



Register

Self Help

[Need Help?](#)

[Chat for Assistance](#)

[FAQ's](#)

[Web Training Sessions](#)

To register as a new user, begin by clicking on the 'Register' button in green. This will take the user to the appropriate screen.

Register – User Information

The Register page becomes available and all required fields must be completed in order to proceed.

Register

[User Information](#) » [Firm Information](#) » [Terms and Conditions](#) » Complete

First Name

Middle

Last Name

Email Address

Password

Security Question

Enter a simple question that can only be answered by you. Example: High School Mascot

Security Answer

Next

Note: A red box indicates that these are required fields.

First Name - User's first name.

Middle - User's middle initial. This field is optional.

Last Name - User's last name.

Email Address - User's email address, which will be used as the user id to log in.

Password - Create a secure password that will be used to log in to the eFile site. The password must be at least 6 characters with a least one letter and one number or symbol.

Security Question - Create a question that can be answered by the user in the event of a password issue.

Security Answer - Answer to the security question.

Once complete, click on 'Next'.

Register – Firm Information

Register

User Information > **Firm Information** > Terms and Conditions > Complete

Registration Options

Register for a Firm Account

Perfect for:

- Attorneys
- Firms with multiple filers
- Solo Attorney Practitioners

Register for a Self-Represented Account

Perfect for:

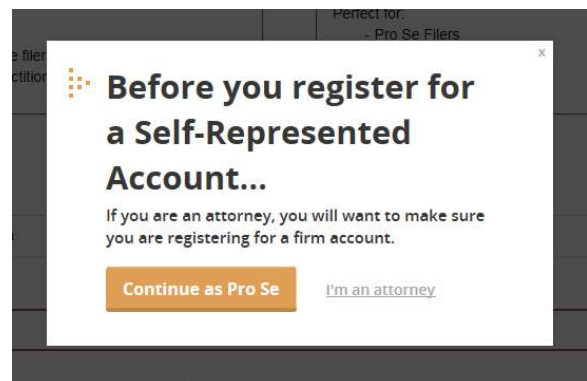
- Pro Se Filers
- Process Servers
- Landlords / Tenants

Previous Next

The user will need to choose if they are registering as a Firm Account or a Self-Represented Litigant (not an attorney). If the user is an attorney and accidentally selects the Self-Represented Account, the disclaimer box, on the right, will appear.

Select 'I'm an attorney' to close the message and select 'Register for a Firm Account' to continue registering as an attorney.

Note: Before registering for a Firm Account, please check to ensure the firm's account has not already been created. If the firm account has already been created, the user must contact the firm



administrator to request to be invited to join the firm. Directions on how to invite attorneys to a registered firm can be found on page 8.

The screenshot shows a web form titled "Firm Information" in green text. The form contains several input fields: a large text box for "Firm Name", a dropdown menu for "Country" (currently showing "United States of America"), a large text box for "Address Line 1", a text box for "City", a dropdown menu for "State" (with a yellow tooltip that says "Click to select State"), a text box for "Zip Code", and a text box for "Phone Number". At the bottom, there is a checkbox labeled "Require administrator approval of new user registration" which is checked.

Firm Name - The filer's Firm name.

Country – The subject firm's country of business. This section is optional, but it defaults to the United States of America.

Address Line 1 - Enter the firm's street address

City - Enter the city/town of the firm's address

State - Enter the state of the firm's address

Zip Code - Enter the zip code of the firm's address

Phone Number - Enter the firm's phone number

A box is automatically checked to require the firm's administrator to approve the filer's new user registration. Click 'Next' to continue.

Register – Terms and Conditions

By clicking on the "I Accept – Register Firm" button, the user is agreeing to be legally bound by all the terms and conditions in this agreement. This should be reviewed carefully.

After accepting the terms, a verification e-mail will be sent with a hyperlink to activate the user's account. **The account must be activated in order to sign-in.**

Adding Firm Users

Only the Firm Administrator will have the ability to add users. If adding a firm user, you may specify the Role(s) for that user: Firm Administrator, Filer, and Attorney. If you add a Firm Attorney, you will not be able to designate them as a filer

To add firm users to a registered firm, click on 'Actions' to open up the drop-down menu. From there select 'Firm Users'.

The screenshot shows the 'Filer Dashboard' with a sidebar menu on the right. The 'Actions' menu is open, showing options like 'Dashboard', 'Start a New Case', 'File Into Existing Case', 'Filing History', 'Templates', 'Firm Service Contacts', 'Bookmarks', 'Reports', 'Firm Admin', 'Firm Users', 'Firm Attorneys', 'Firm Information', 'Payment Accounts', 'Help', 'System Admin', and 'Filing History Search'. The 'Firm Users' option is highlighted.

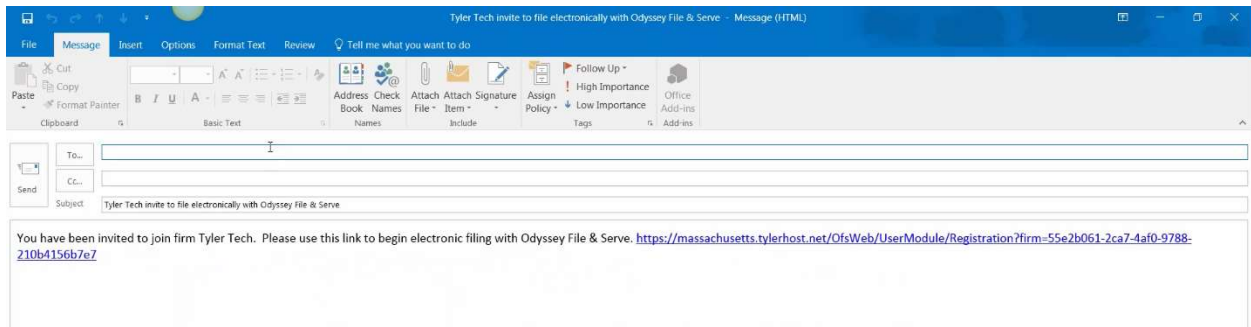
This will take the user to the Firm User page where it will show all the users that are currently registered with the firm. To invite someone, navigate to the bottom of the list where a URL link is displayed next to **Join My Firm**. Click on the envelope symbol:

The screenshot shows the 'Firm Users' page with a table of users. The table has columns for First Name, Last Name, Email, Firm Status, Email Status, and Roles. The 'Actions' column contains a dropdown menu with an 'envelope icon' next to it. Below the table, there is a 'Join My Firm' section with a URL and an envelope icon. A blue arrow points to the envelope icon.

First Name	Last Name	Email	Firm Status	Email Status	Roles	Actions
Ayu	Arifin	Ayu.Arifin@tyle...	Approved	Active	Filer, Firm Admi...	Actions
Ashley	Benson	ashley.benson...	Approved	Active	Filer, Firm Admi...	Actions
Aaron	Biggs	aaron.biggs@ty...	Approved	Active	Filer, Firm Admi...	Actions
Songa	Bolin	Songa.bolin@ty...	Approved	Active	Filer, Firm Admi...	Actions
Amber	Branch	amber.branch...	Approved	Active	Filer, Firm Admi...	Actions
Melissa	Carroll	melissa.carroll...	Approved	Active	Filer, Firm Admi...	Actions
Zofie	Chau	Zofie.Chau@tyl...	Approved	Active	Filer, Firm Admin	Actions
Kyle	Doherty	kyle.doherty@t...	Approved	Active	Filer, Firm Admin	Actions
Adam	Earnheart	adam.earnheart...	Approved	Active	Filer, Firm Admi...	Actions
Amanda	Flack	amanda.flack@...	Approved	Active	Filer, Firm Admi...	Actions

Join My Firm: <https://massachusetts.tylerhost.net/OfsWeb/UserModule/Registration?firm=55e2b061-2>

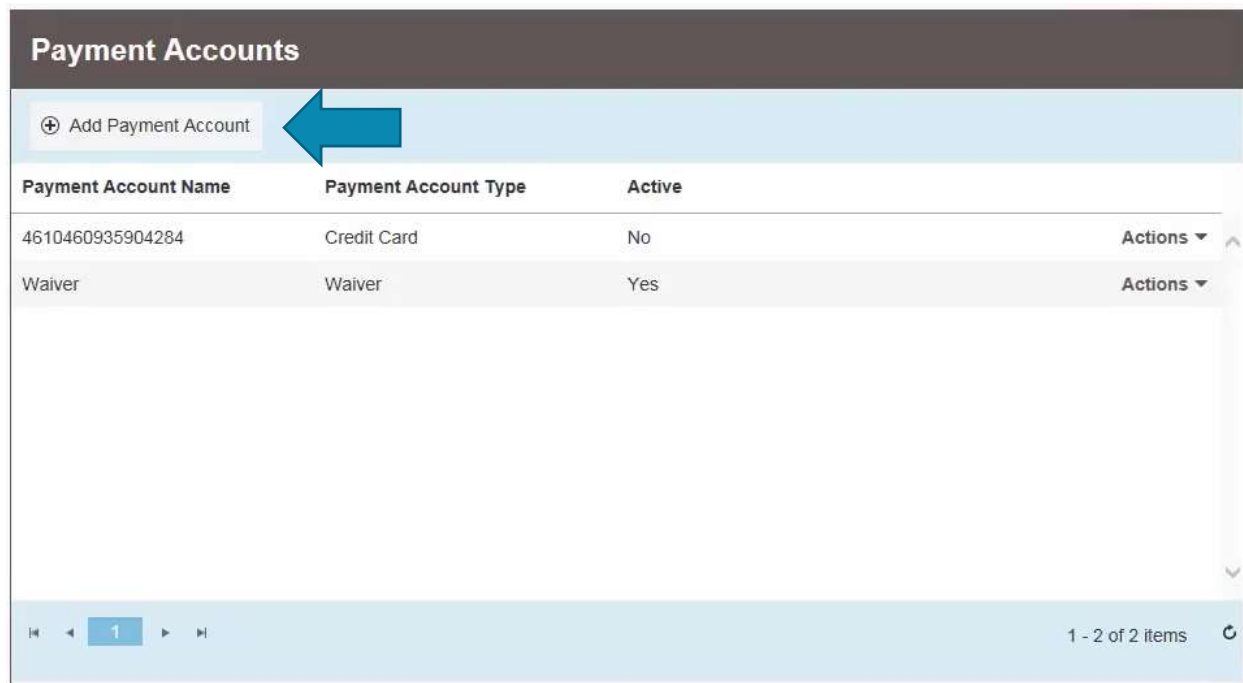
This will open a new window to a new message where the user can send the hyperlink to join the firm.



Adding a Payment Account

To add a payment account to a registered firm, click on Actions to open up the drop-down menu. From there select 'Payment Accounts'. A payment account must be created in order to eFile a new case or file into an existing case.

Note: Only the firm administrator will have the ability to add payment accounts.



To add an account simply click on .

Payment Account Name

Payment Account Type

Click to select Payment Account Type

Click to select Payment Account Type

Credit Card

eCheck

Waiver

Undo

Save Changes

Enter in the Payment Account Name that can be easily remembered (i.e. Visa exp.12/21). Then select the Payment Account Type, Credit Card, eCheck or Waiver. Once selected, click 'Enter Account Information' to proceed to fill out either the Credit Card or eCheck information.

Enter Account Information

Method of Payment

☒ Credit Card

☐ e-Check

Cardholder Information

Enter the information as it appears on the Cardholder Account. The fields marked with a red asterisk (*) are required fields.

Card Type

Card Number

Exp Month

Exp Year

CVV Code

CVV Help

Name on Card

Address Type

☒ US ☐ Foreign

Address Line 1

Street address, P.O. box, company name, c/o

Address Line 2

Apartment, suite, unit, building, floor, etc.

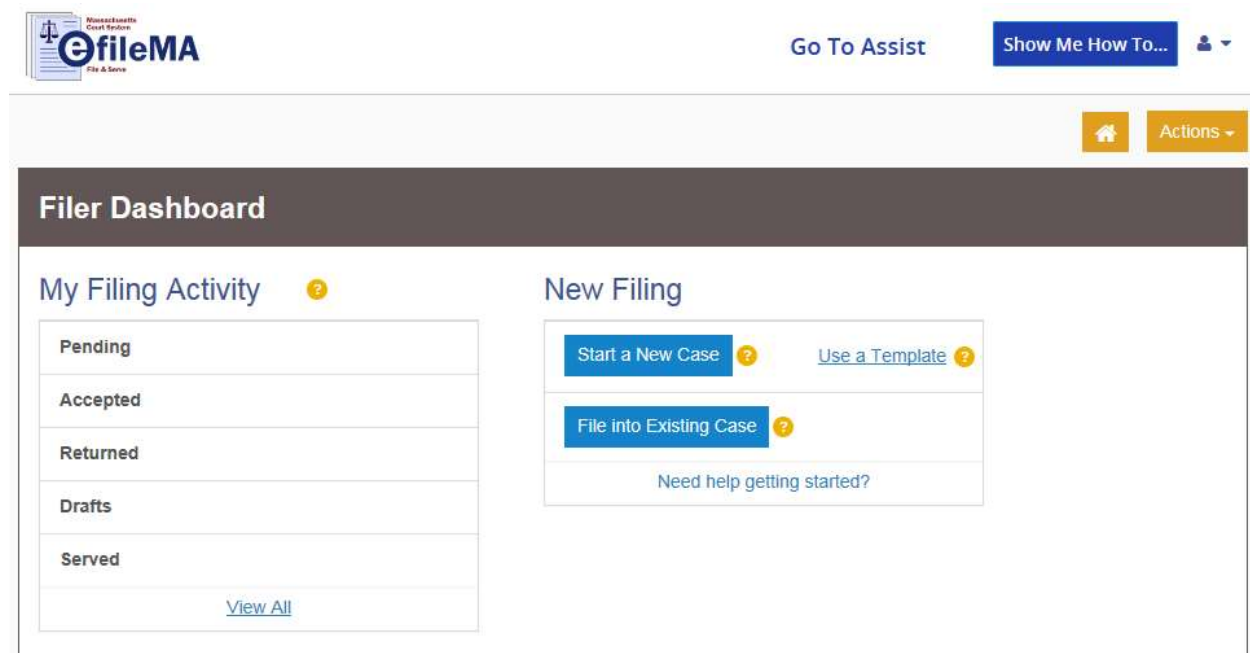
City

State

Zip Code

After completion, click 'Save Changes' and the payment account is added to Accounts list.

FILING A CASE



Please note, a payment account must already be set up prior to filing a case. If the filer checks off “waiver” for the payment option, then the Affidavit of Indigency must be filed in person and approved prior to eFiling.

To initiate a new case for filing, click on the ‘Start a New Case’ link in the blue box to open the Case Information page. At this time only Servicemembers cases can be electronically filed in the Land Court.

Case Information

The Case Information page becomes available and the filer must complete the following details for this new case form by using the provided drop-down list.

Start a New Case

Case Information [Need Help?](#)

Location
Click to select Location

Category ?
Click to select Category

Case Type
Click to select Case Type

Lower Court/Agency
Click to select Low... i

Lower Court/Agency Case #
Optional: Enter the lower c i

Short Title
Optional: Enter the lower c i

Undo Save Changes

Note: A red box indicates that these are required fields.

Location – Select Land Court.

Category - Select the case category. At this time only Servicemembers cases can be filed electronically in the Land Court.

Case Type - Select the case type for this category (eFiled Complaint under Servicemembers Civil Relief Act (\$255.00)).

The following 3 fields are only required to file an appeal.

Lower Court/Agency - Enter the name of the lower court/agency, if applicable.

Lower Court/Agency # - Agency case number, if applicable.

Short Title - Agency case title, if applicable.

Save Changes

Once the filer has entered information in the required fields, click on to move on to the next section.

Party Information

The Party Information section becomes available and the following details must be completed for this new case. This section displays only two party types, but multiple parties can be added by clicking on 'Add Another Party'.

Party Information
Need Help?

Party Type	Party Name	Lead Attorney
Plaintiff		Required Party
Defendant		Required Party

+ Add Another Party

Enter details for this Party

Party is a Business/Agency

☐

First Name

Middle Name

Last Name

Suffix

Country

United States of America

Address Line 1

Address Line 2

City

State

Click to select State

The Plaintiff's information, or the one who is filing the complaint, will always default as the first to be entered. Please note, if the filer is a business or agency, check off the box (right) in order to enter the business' name.

Enter details for this Party

Party is a Business/Agency

☐

First Name - Plaintiff's First Name

Middle Name - Plaintiff's Middle Name

Last Name - Plaintiff's Last Name

Suffix - Select the appropriate suffix, if any, for the Plaintiff

Country - Select the country of the Plaintiff's address, this is automatically defaulted to USA

Address Line - Enter the Plaintiff's street address

City - Enter the city/town of the Plaintiff's address

State - Enter the state of the Plaintiff's address

Zip Code - Enter the zip code of the Plaintiff's address

Phone Number - Enter the Plaintiff's phone number

Lead Attorney - Select the lead attorney for the Plaintiff, if any, for this case

Note: *In order for an attorney's name to appear as a choice in the Lead Attorney drop down, the Firm Administrator must have set this up beforehand. Otherwise, the only selectable entries will either be "Pro Se" or "Click to select Lead Attorney". This field is optional.*

After the information has been entered, click on **Save Changes** to begin entering the Defendant's information. Once complete, click on 'Save Changes' once more. If additional parties need to be added, click on **+ Add Another Party**

It is imperative that the Complaint contain the correct names of the parties. The Representative Capacity feature in Tyler is difficult to use correctly, so in these circumstances it is best to just type the name accurately into the Company Name field and the Court staff will make the correction to the MassCourts docket. Court staff will utilize the Complaint information for accuracy in this process.

After the information on the parties is entered, the filer will move on to the filings. Before completing the filings section, the filer must have a PDF document(s) to upload.

Filings

The 'Filing Code' in this section determines the content that the user wants to submit to the Land Court. Once the filing has been accepted by the reviewer, the filing will become a docket entry in the case record.

Filings [Need Help?](#)

Enter the details for this filing

Filing Type ? **Filing Code**

EFile Click to select Filing Code i

Filing Description

Optional: Enter the name of the document you are filing. i

Client Reference Number ? **Comments to Court** ?

Optional: Enter your client billing code or firm tracking number if appl i

Courtesy Copies

Optional: Enter a list of email addresses sep i

Filing on Behalf of

'Select the parties you are filing on behalf of' i

Filing Type - Select either EFile or EFileAndServe

- **Efile** Choose this option for electronic filing, without electronic service.

- **Efile and Serve** Choose this option if the filer wants to electronically file with the court and provide copies electronically to email addresses that they choose.

Service Contacts

Please select at least one service contact for service.

Only contacts checked below will be served electronically.

Note: If “Efile and Serve” is selected, the filer will be required to enter the service contact for at least one of the Parties listed in the Service Contacts section. If the contact does not appear in the list, it must be created by navigating back to the homepage and selecting Actions.

Filing Code - Select from the drop down of the different document types. If this case is accepted, the Tyler Filing Code will become a part of the Court’s Docket Entry. If the filer does not use the correct code with the corresponding document, the entire filing will be rejected. If the filer is unsure which filing code to use, please contact the Land Court’s Clerk’s Office for assistance.

Filing Description - Enter the purpose of the document being filed. This field is optional.

Client Reference Number - Enter the client’s billing code or firm tracking number if applicable. This field is optional.

Comments to Court - Enter any information of which the filer would want to inform the court. This comment is optional and will not be a part of the case record. This field allows up to 32,000 characters.


Courtesy Copies - Enter an email address, or multiple by separation of a comma, to send a copy of this filing to interested parties. This feature does not constitute or substitute service.

Filing on Behalf of – The filer selects from the drop down and chooses the party (plaintiff or defendant) that they are filing on behalf of.

The filer must have the PDF of the required documents in order to upload to Tyler.

Lead Document (Required)

Computer





To upload a file, click on the gray bar. This will prompt the filer to browse the computer to select the appropriate file to upload. Upon uploading the document, the document name will appear with the size of the file (maximum size is 25MB). The description box will automatically populate the file name. This field may be edited, but there is a limitation of 60 characters.

Filings Need Help? ✎ —

Filing Code	Client Ref #	Filing Description	
Efiled Complaint under Servicem...			Actions ▾
Efiled Order of Notice			Actions ▾
Mortgagee's Affidavit Under Chap...			Actions ▾
			Actions ▾

Enter the details for this filing

Filing Type ?
 EFileAndServe ▾

Filing Code
 Click to select Filing Code ▾

Filing Description
 Optional: Enter the name of the document you are filing

Client Reference Number ?
 Optional: Enter your client billing code or firm tracking number

Courtesy Copies
 Optional: Enter a list of email addresses separated by commas

Filing on Behalf of:
 'Select the parties you are filing on behalf of'

⊕ Add Another Filing

At the minimum, the following documents should be included with the initial filing in order for the case to be accepted on Tyler:

Servicemembers Case

- Signed Servicemembers Complaint
 - Upload it under the code “Efiled Complaint under Servicemembers Civil Relief Act”.
 - It is imperative that the Complaint contain the correct names of the parties. The Representative Capacity feature in Tyler is difficult to use correctly, so in these circumstances it is best to just type the name accurately into the Company Name field and the Court staff will make the correction to the MassCourts docket. Court staff will utilize the Complaint information for accuracy in this process.
- Two sided Order of Notice
 - Upload it under the code “Efiled Order of Notice”.
- Mortgagee’s Affidavit
 - Upload it under the code “Mortgagee’s Affidavit Under Chapter 206 of the Acts of 2007, filed”



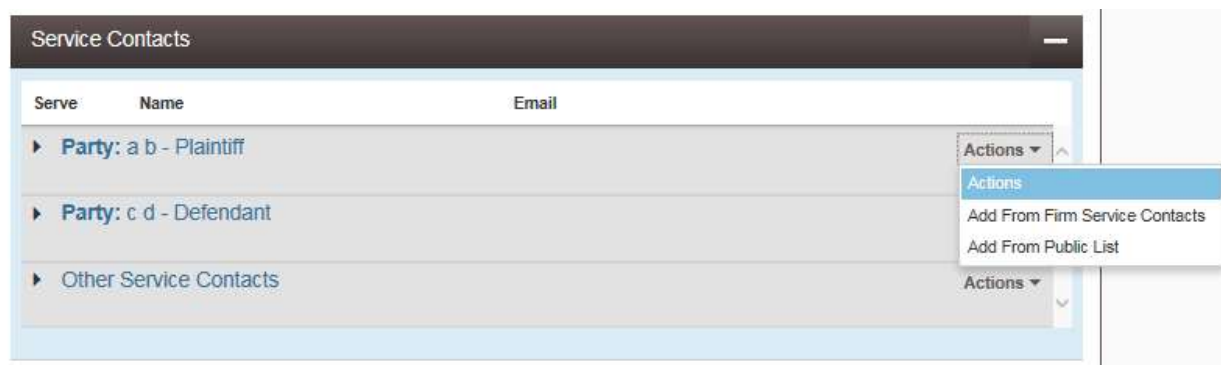
To add another document select . The filer should separate and upload documents based on the filing code, but if there are exhibits they may file them as a single PDF.

Some common reasons an envelope may be rejected include but are not limited to, a lack of service contacts, missing documents, incorrect docket codes, and lack of signature or e-signature on complaint and affidavit(s). If rejected by the court, the filer has to refile the case in its entirety after necessary corrections are made based on the reviewer's comments.

After completing this Filings portion, click on 'Save Changes' to proceed to the Service Contacts section.

Service Contacts

In this section, the filer may choose from the Actions drop down of the parties who should be electronically served. **Service Contacts are required for Land Court Servicemembers case filings.**



Add From Firm Service Contacts - This will display the names and e-mails of individuals who are associated to the firm.

Add From Public List - This displays the names, e-mails and firms of individuals who are public users in Tyler. Typically this list is much more extensive and the individual must have a registered eFile account to be a part of this list.

After choosing service contacts for the respective parties, the filer can move on to the Fees section.

Fees

Note: A payment account must be set up prior to filing a Land Court case in Tyler. See section Adding a Payment Account, page 10.

All fees associated to the filing will be displayed here.

The Payment Service Fee charge for using a credit card (American Express, MasterCard, VISA) to eFile is 2.89% of the combined Total Filing Fee + E-File Fee.

The Payment Service Fee charge for using eCheck (ACH) to E-File will remain \$0.25.

There is an eFile Fee of \$22.00 that is added to the Land Court Case Fee on all envelopes that are the

first filing that initiates a case. There are no eFile Fees on any envelope (subsequently) filed into an existing case.

The total amount due is displayed as the **Envelope Total**.

Description	Amount
Filing Fee	\$0.00
Filing Total: \$0.00	

Description	Amount
Filing Fee	\$0.00
Filing Total: \$0.00	

Description	Amount
Filing Fee	\$0.00
Filing Total: \$0.00	

Total Filing Fee	\$0.00
Court Case Fee	\$255.00
E-File Fee	\$6.00
Envelope Total:	\$261.00

Payment Account ?

Click to select Payment Account

Party Responsible for Fees ?

Click to select Party Responsible for Fees

Filing Attorney

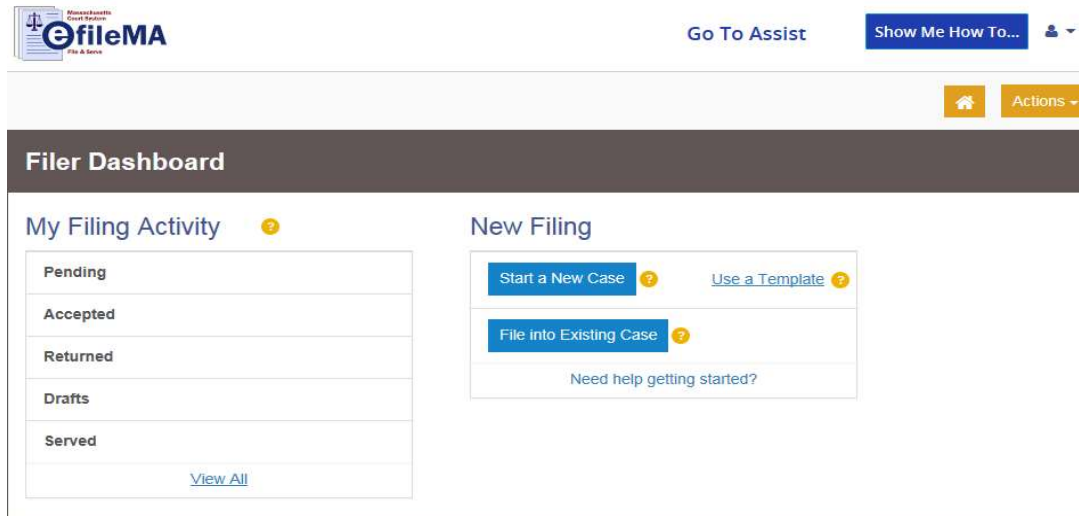
Click to select Filing Attorney

Undo Save Changes

Select from the Payment Account drop down and choose the payment account that has already been set up. Select the party responsible for the fees and the filing attorney.

Once the section has been completed, click on 'Submit' and the envelope will be sent to the Land Court for review. This case will be assigned an Envelope number for tracking purposes. If the Recorder's office accepts the envelope, a docket number will be assigned. If the envelope is rejected, the filer will not be charged.

To review what has been filed, go to the Filer Dashboard and underneath the option of My Filing Activity select 'Pending'.



Additional Resources

E-Filing Website: <https://massachusetts.tylerhost.net/ofswb>

Send an email to the following address to be automatically added to the listserv email list:
efilenews-join@jud.state.ma.us

Access this link for eFileMA information: www.efilema.com

Contact Tyler Customer Support: 1-877-687-7870

[Land Court Standing Order 2-18: Initial Limited Electronic Filing Project](#)

[SJC Rule 1:25 MA Rules of Electronic Filing](#)

SPECIAL CONSIDERATIONS & NOTES

The Court has e-filing rules which include the use of e-signatures. Please review SJC Rule 1:25.

The Tyler Odyssey system has instructions on its website and contact information for assistance.

When setting up your firm users in the Tyler system, add them to the list of public service contacts. The filer also needs to be added as a service contact on each case filing so the Court's acceptance of filed documents and sending return documents via the Tyler system will automatically be emailed to the user as the service contact on the case.

Paper filing in Land Court Servicemembers cases often requires filing two copies of a document. E-filing documents requires only one complete document to be uploaded (no second copy). Do not include cover letters with documents, with the exception of a request for additional/supplemental Order of Notice.

It is imperative that the Complaint contain the correct names of the parties. The Representative Capacity feature in Tyler is difficult to use correctly, so in these circumstances it is best to just type the name accurately into the Company Name field and the Court staff will make the correction to the MassCourts docket. Court staff will utilize the Complaint information for accuracy in this process.

Be certain that the documents you upload are in good condition, particularly if a feeder has been used to scan, as they can become askew. Per rule, scanned documents should be searchable using OCR (optical character recognition) software. The documents you upload, upon acceptance by the Court staff, get date stamped by the system, become the official filings, and appear as images on the court docket.

In Servicemembers cases, the Land Court uses the Tyler Odyssey system to review and accept or reject filings. An email is automatically sent to the filer in both instances. If the Court rejects a filing, a brief reason for the rejection will be included in the email back to the filer.

The Land Court also currently utilizes the Tyler Odyssey system to electronically mark-up/complete filed documents and electronically email them back to the filer. An example is the Order of Notice. Once it is filed and accepted, the Court electronically adds the docket number, return dates and signature stamps and that document is emailed back to the filing service contact for use.

Orders of Notice are still two-page documents (front and back) and both pages must be submitted to the Registry of Deeds.

When filing the original Complaint and Order of Notice, you can replace "2019 SM _____" with "Docket # _____" because the Court will electronically stamp the full docket number onto the filing once it has been accepted.

When a complete service return package is electronically submitted to the Court, the Court will defer action on those documents until the day after the return date.

To make this process as efficient and streamlined as possible, double check your documents before you submit. Our goal is accurate submissions the first time. Filings with errors will cause rejections.

Sample of Initial and Completed Servicemembers Filing



COMMONWEALTH OF MASSACHUSETTS
LAND COURT DEPARTMENT
Docket Report

SAMPLE DOCKET REPORT

20 SM 000056 Wells Fargo Bank, N.A. v. Smith, John P.

CASE TYPE:	Servicemembers	FILE DATE:	01/06/2020
ACTION CODE:	EFSM	CASE TRACK:	
DESCRIPTION:	Filed Complaint under Servicemembers Civil Relief Act		
CASE DISPOSITION DATE:	02/19/2020	CASE STATUS:	Closed
CASE DISPOSITION:	Judgment Entered.	STATUS DATE:	02/19/2020
CASE JUDGE:		CASE SESSION:	
PROPERTY ADDRESS:		CITY/TOWN:	Holland

PARTIES	
Plaintiff Wells Fargo Bank, N.A.	Private Counsel 693868 Abigail Chmielecki Orlans PC Orlans PC PO Box 540540 Waltham, MA 02454 Work Phone (781) 790-7800 Added Date: 01/06/2020
Defendant Smith, John P.	

FINANCIAL DETAILS					
Date	Fees/Fines/Costs/Charge	Assessed	Paid	Dismissed	Balance
01/06/2020	Land Court servicemembers fee Receipt: 413365 Date: 01/06/2020	240.00	240.00	0.00	0.00
01/06/2020	Land Court surcharge Receipt: 413365 Date: 01/06/2020	15.00	15.00	0.00	0.00
Total		255.00	255.00	0.00	0.00



**COMMONWEALTH OF MASSACHUSETTS
LAND COURT DEPARTMENT
Docket Report**

INFORMATIONAL DOCKET ENTRIES			
Date	Ref	Description	Judge
01/06/2020		Efiled Complaint under Servicemembers Civil Relief Act	
01/06/2020		Efiled Order of Notice	
01/06/2020		Mortgagee's Affidavit Under Chapter 206 of the Acts of 2007, filed	
01/06/2020		Order of Notice for service, for recording and for publication in the Journal Register, returnable 02/17/2020, issued.	
01/06/2020		Instruction Sheet for Order of Notice sent electronically	
01/06/2020		Modified by Land Court - Efiled Order of Notice	
01/30/2020		Notice Returned to Court with Service Thereon.	
01/30/2020		Affidavit as to Military Service filed.	
01/30/2020		Motion for Judgment filed.	
02/19/2020		Motion for Judgment allowed. (Piper, C.J.)	
02/19/2020		Judgment Entered. (Piper, C.J.)	
02/19/2020		Modified by Land Court - Judgment sent electronically.	

Sample Complaint

Date
LET JUDGMENT ISSUE:

Gordon H. Piper, Chief Justice

COMMONWEALTH OF MASSACHUSETTS

LAND COURT

DEPARTMENT OF THE TRIAL COURT

Suffolk, ss.

Docket _____

Wells Fargo Bank, N.A.,
Plaintiff

**COMPLAINT TO DETERMINE
MILITARY STATUS**

v.

John P. Smith
Defendant

1. Your Plaintiff has an interest in a mortgage with the statutory power of sale given by **John P. Smith to Mortgage Electronic Registration Systems, Inc., as nominee for Wintrust Mortgage, a division of Barrington Bank, its successors and assigns, dated February 28, 2017, recorded or filed at Hampden County Registry of Deeds in Book [REDACTED], Page 376, as affected by a Loan Modification dated October 2, 2018, recorded or filed at Said Registry of Deeds in Book [REDACTED], Page 243, covering [REDACTED], Holland, and more particularly described in said mortgage.**
2. No Defendant(s) is/are in the military service within the meaning of the Servicemembers Civil Relief Act, 50 U.S.C. c. 50 §3901 (*et seq*)
3. The Plaintiff alleges on information and belief that the Defendant(s) is/are the only person(s) holding the equity of redemption of the property covered by the mortgage described in Paragraph 1 of this Complaint so far as appears of record in the said Registry of Deeds and as known to your plaintiff.
4. The holder of the mortgage seeks to proceed with the foreclosure of said mortgage described in Paragraph 1 to protect its interest as secured thereby for breach of the conditions thereof and desires to comply with the provisions of the Servicemembers Civil Relief Act
Wherefore your plaintiff prays:
 1. For an order of notice ordering the Defendant(s) to appear and answer this complaint if Defendant(s) is/are now, or recently have been, in the active military service and claim the benefits of the Servicemembers Civil Relief Act.
 2. For a judgment declaring that the Defendant(s) is/are not entitled to the benefits of the Servicemembers Civil Relief Act.

/s/ Abigail Chmielecki
ATTORNEY FOR THE PLAINTIFF

BBO. # 693868

Date: 1/6/20

achmielecki@orlans.com

From the Office of :

Orlans PC

PO Box 540540

Waltham, MA 02454

Telephone No. (with extension): (781) 790-7800

Office File no. (If Available): 19-011924

LAND COURT USE ONLY

Under the provisions of the Servicemembers Civil Relief Act, this cause came on to be heard and thereupon, upon consideration thereof, it appearing to the Court that the Defendant(s) is/are not entitled to the benefits of said Act, it is hereby

ORDERED and **ADJUDGED** that the Defendant is/are not entitled to the benefits of the Servicemembers Civil Relief Act, as of _____, the date of the allowance of Plaintiff's motion for judgment.

By the Court().

Attest:

(SEAL)

Deborah J. Patterson,
Recorder

COMMONWEALTH OF MASSACHUSETTS

(SEAL)

LAND COURT

DEPARTMENT OF THE TRIAL COURT

Docket

ORDER OF NOTICE

TO:

John P. Smith

and to all persons entitled to the benefit of the Servicemembers Civil Relief Act, 50 U.S.C. 50 §3901 (et seq):

Wells Fargo Bank, N.A.,

claiming to have an interest in a Mortgage covering real property in **Holland**, numbered **5 Brook Road**, given by **John P. Smith** to **Mortgage Electronic Registration Systems, Inc.**, as nominee for **Wintrust Mortgage**, a division of **Barrington Bank**, its successors and assigns, dated **February 28, 2017**, and recorded in **Hampden County Registry of Deeds in Book [REDACTED], Page 376**, as affected by a **Loan Modification dated October 2, 2018**, and recorded in **Said Registry of Deeds in Book [REDACTED], Page 243**, and now held by plaintiff by assignment, has/have filed with this court a complaint for determination of Defendant's/Defendants' Servicemembers status.

If you now are, or recently have been, in the active military service of the United States of America, then you may be entitled to the benefits of the Servicemembers Civil Relief Act. If you object to a foreclosure of the above-mentioned property on that basis, then you or your attorney must file a written appearance and answer in this court at **Three Pemberton Square, Boston, MA 02108** on or before _____ or you may lose the opportunity to challenge the foreclosure on the ground of noncompliance with the Act.

Witness, GORDON H. PIPER Chief Justice of this Court on

Attest:

Deborah J. Patterson
Recorder

(PLEASE SEE REVERSE FOR RETURN ON ORDER OF NOTICE)

19-011924

RETURN ON ORDER OF NOTICE

I hereby on oath state that I have published a copy of the within order of notice in the _____, a newspaper published in _____, in the County of _____ and said Commonwealth, to wit: on the _____ day of _____ 20____ a copy of which publication is hereto attached, and by mailing by certified or registered mail a copy of said notice not less than fourteen days before the return day to each defendant named in said complaint, that I am enclosing herewith certified or registered mail receipts therefore, or successfully served Deputy Sheriff services; and that I recorded on _____ a copy of said notice in the registry of deeds in which the mortgage is/are recorded.

ORLANS PC

_____ 2020

BY: _____

Subscribed and sworn to before me

Notary Public

NOTE:

1. Photocopy only the front side of this Order of Notice for your Publication and Service.
2. This return must be executed properly and returned to the Land Court with signed Certified Mail green cards (if any) stapled to the front of this form like W-2 Forms on a tax return and the actual newspaper clipping taped below (tape top and bottom only).

TAPE AD HERE
TAPE 2nd COLUMN HERE

Return to:
Orlans PC
PO Box 540540
Waltham, MA 02454
File Number: 19-011924

SAMPLE MORTGAGEE'S AFFIDAVIT

COMMONWEALTH OF MASSACHUSETTS
LAND COURT
DEPARTMENT OF THE TRIAL COURT
MORTGAGEE'S AFFIDAVIT

FOR LAND COURT USE ONLY
PLACE CASE NO. LABEL HERE

Defendant(s)/Mortgagor(s):

Property Address:

██████████ Road, Holland, MA 01521

1) The undersigned makes oath and says that it is (Check One) :

- ☐ The Mortgagee of the Mortgage which is the subject of this proceeding, in that it is the person or entity currently holding both the subject Mortgage and the note;
or
☒ The Mortgagee of the Mortgage which is the subject of this proceeding, in that it is the person or entity currently holding the subject Mortgage and is acting on behalf of the current holder of the note;
or
☐ Acting on behalf of the person(s) or entity(ies) currently holding the subject Mortgage and the note.

AND

2) The undersigned further makes oath and says that (Check One) :

- ☒ Notice(s) to Defendant/Mortgagor has been given in compliance with Massachusetts General Laws, Chapter 244, Section 35A, as amended (COPY OF NOTICE ATTACHED);
or
☐ No notice has been given because no notice is required under Massachusetts General Laws, Chapter 244, Section 35A, as amended.

Signed under the pains and penalties of perjury on December 31, 2019.

Plaintiff(s): Wells Fargo Bank, N.A.



Tiffany Person
Vice President Loan Documentation
Wells Fargo Bank, NA
12/31/2019

SAMPLE OF MODIFIED ORDER OF NOTICE

Date Filed: 1/6/2020 12:08 PM
Land Court
Docket Number:

COMMONWEALTH OF MASSACHUSETTS

(SEAL)

LAND COURT

DEPARTMENT OF THE TRIAL COURT

Docket 20 SM 000056

ORDER OF NOTICE

TO:

John P. Smith

and to all persons entitled to the benefit of the Servicemembers Civil Relief Act, 50 U.S.C. 50 §3901 (et seq):

Wells Fargo Bank, N.A.,

claiming to have an interest in a Mortgage covering real property in **Holland**, numbered **5** **██████████** **Road**, given by **John P. Smith** to **Mortgage Electronic Registration Systems, Inc.**, as nominee for **Wintrust Mortgage**, a division of **Barrington Bank**, its successors and assigns, dated **February 28, 2017**, and recorded in **Hampden County Registry of Deeds in Book** **██████████** **83, Page 376**, as affected by a **Loan Modification** dated **October 2, 2018**, and recorded in **Said Registry of Deeds in Book** **██████████** **43, Page 243**, and now held by plaintiff by assignment, has/have filed with this court a complaint for determination of Defendant's/Defendants' Servicemembers status.

If you now are, or recently have been, in the active military service of the United States of America, then you may be entitled to the benefits of the Servicemembers Civil Relief Act. If you object to a foreclosure of the above-mentioned property on that basis, then you or your attorney must file a written appearance and answer in this court at **Three Pemberton Square, Boston, MA 02108** on or before 2/17/2020 or you may lose the opportunity to challenge the foreclosure on the ground of noncompliance with the Act.

Witness, **GORDON H. PIPER** Chief Justice of this Court on **1/6/2020**

Attest:

A TRUE COPY
ATTEST:

Deborah J. Patterson
RECORDER

Deborah J. Patterson
Recorder

(PLEASE SEE REVERSE FOR RETURN ON ORDER OF NOTICE)

19-011924

RETURN ON ORDER OF NOTICE

I hereby on oath state that I have published a copy of the within order of notice in the _____, a newspaper published in _____, in the County of _____ and said Commonwealth, to wit: on the _____ day of _____ 20____ a copy of which publication is hereto attached, and by mailing by certified or registered mail a copy of said notice not less than fourteen days before the return day to each defendant named in said complaint, that I am enclosing herewith certified or registered mail receipts therefore, or successfully served Deputy Sheriff services; and that I recorded on _____ a copy of said notice in the registry of deeds in which the mortgage is/are recorded.

ORLANS PC

_____ 2020

BY: _____

Subscribed and sworn to before me

Notary Public

NOTE:


1. Photocopy only the front side of this Order of Notice for your Publication and Service.
2. This return must be executed properly and returned to the Land Court with signed Certified Mail green cards (if any) stapled to the front of this form like W-2 Forms on a tax return and the actual newspaper clipping taped below (tape top and bottom only).

TAPE AD HERE
TAPE 2 nd COLUMN HERE

Return to:
Orlans PC
PO Box 540540
Waltham, MA 02454
File Number: 19-011924

SAMPLE INSTRUCTIONS SHEET

[SEAL]

INSTRUCTIONS For Publication, Service and Recording	DOCKET NUMBER	Commonwealth of Massachusetts Land Court Department of the Trial Court 
CASE NAME <div style="display: flex; justify-content: space-between; border-top: 1px solid black; margin-top: 10px;"> _____ - - _____, Plaintiff(s) </div> <div style="display: flex; justify-content: space-between; border-top: 1px solid black; margin-top: 10px;"> _____ - - _____, Defendant(s) </div>		
RETURN DATE: 02/17/2020		COURT ADDRESS & PHONE NUMBER Land Court Three Pemberton Square Room 507 Boston, MA 02108 (617)788-7470
<p>The plaintiff is hereby ordered to serve the accompanying Order of Notice by completing the following processes.</p> <ol style="list-style-type: none"> 1. Copy the Order of Notice and publish the same once, at least twenty-one (21) days before the return day in the following newspaper or your choice of the following newspapers. <div style="margin-left: 40px;">Journal Register</div> 2. Copy the Order of Notice, and mail by certified or registered mail (return receipt requested) not less than fourteen (14) days before the return day to each defendant named in the complaint. <div style="margin-left: 40px;">Service may also be made by Deputy Sheriff. Please do not use a Constable.</div> 3. Record/Register the attested copy of the Order of Notice prior to the return day in the registry of deeds in which such mortgage is recorded/registered. <p>Additional information for preparing your Return for Judgment - Retain a two-sided copy of the Order of Notice for filing the return.</p>		
DATE ISSUED: 01/06/2020		RECORDER: Deborah J. Patterson

003ONI (05-2019)

www.mass.gov/courts/landcourt

Printed: 01/06/2020 1:39:23 PM

Page 1 of

COMMONWEALTH OF MASSACHUSETTS

(SEAL)

LAND COURT

DEPARTMENT OF THE TRIAL COURT

Docket 20 SM 000056

ORDER OF NOTICE

TO:

John P. Smith

and to all persons entitled to the benefit of the Servicemembers Civil Relief Act., 50 U.S.C.c. 50 §3901 (et seq):

Wells Fargo Bank, N.A.,

claiming to have an interest in a Mortgage covering real property in **Holland**, numbered **5 Brook Road**, given by **John P. Smith** to **Mortgage Electronic Registration Systems, Inc.**, as nominee for **Wintrust Mortgage**, a division of **Barrington Bank**, its successors and assigns, dated **February 28, 2017**, and recorded in **Hampden County Registry of Deeds in Book 21111, Page 376**, as affected by a **Loan Modification dated October 2, 2018**, and recorded in **Said Registry of Deeds in Book 22222, Page 243**, and now held by plaintiff by assignment, has/have filed with this court a complaint for determination of Defendant's/Defendants' Servicemembers status.

If you now are, or recently have been, in the active military service of the United States of America, then you may be entitled to the benefits of the Servicemembers Civil Relief Act. If you object to a foreclosure of the above-mentioned property on that basis, then you or your attorney must file a written appearance and answer in this court at **Three Pemberton Square, Boston, MA 02108** on or before 2/17/2020 or you may lose the opportunity to challenge the foreclosure on the ground of noncompliance with the Act.

Witness, GORDON H. PIPER Chief Justice of this Court on 1/6/2020

Attest:

A TRUE COPY
ATTEST:

Deborah J. Patterson
RECORDER

Deborah J. Patterson
Recorder


(PLEASE SEE REVERSE FOR RETURN ON ORDER OF NOTICE)

19-011924

RETURN ON ORDER OF NOTICE

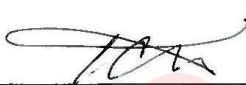
I hereby on oath state that I have published a copy of the within order of notice in the Palmer Register Journal (The Journal Register?), a newspaper published in Holland, in the County of Hampden County and said Commonwealth, to wit: on the 16th day of January, 2020 a copy of which publication is hereto attached, and by mailing by certified or registered mail a copy of said notice not less than fourteen days before the return day to each defendant named in said complaint, that I am enclosing herewith certified or registered mail receipts therefore, or successfully served Deputy Sheriff services; and that I recorded on January 7, 2020 a copy of said notice in the registry of deeds in which the mortgage is/are recorded.

ORLANS, PC

1/30 2020

BY: **Caleb J. Shureb**
Attorney for Plaintiff

Caleb J. Shureb, Esq. - BBO#680583
Orlans PC
P.O. Box 540540
Waltham, MA 02454
Phone (781) 790-7800

Subscribed and sworn to before me


Theresa L. Christianson, Notary Public,
Macomb County Acting in Oakland County, Michigan, Michigan
My Commission Expires: August 14, 2022

COMMONWEALTH OF MASSACHUSETTS
(SEAL)
LAND COURT
DEPARTMENT OF THE TRIAL COURT
Docket 20 SM 000056
ORDER OF NOTICE
TO:
[REDACTED]
and to all persons entitled to the benefit of the Servicemembers Civil Relief Act, 50 U.S.C. 50 §3901 (et seq):
Wells Fargo Bank, N.A.,
claiming to have an interest in a Mortgage covering real property in Holland, numbered [REDACTED] given by [REDACTED] Mortgage Electronic Registration Systems, Inc. as nominee for Wintrust Mortgage, a division of Barrington Bank, its successors and assigns, dated February 28, 2017, and recorded in Hampden County Registry of Deeds, Book [REDACTED], Page [REDACTED].
Loan Modification dated October 2, 2018, and recorded in Said Registry of Deeds, Book [REDACTED], Page [REDACTED].
plaintiff by assignment, has have filed with this court a complaint for determination of Defendant's/Defendants' Servicemembers status.

If you now are, or recently have been, in the active military service of the United States of America, then you may be entitled to the benefits of the Servicemembers Civil Relief Act. If you object to a foreclosure of the above-mentioned property on that basis, then you or your attorney must file a written appearance and answer in this court at Three Pemberton Square, Boston, MA 02108 on or before February 17, 2020 or you may lose the opportunity to challenge the foreclosure on the ground of non-compliance with the Act.
Witness, GORDON H. PIPER Chief Justice of this Court on January 6, 2020
Attest:
Deborah J. Patterson
Recorder
(19-011924 Orlans)
1/16/2020

19-011924

COMMONWEALTH OF MASSACHUSETTS

(SEAL)

LAND COURT

DEPARTMENT OF THE TRIAL COURT

Docket 20 SM 000056

ORDER OF NOTICE

TO:

John P. Smith

and to all persons entitled to the benefit of the Servicemembers Civil Relief Act, 50 U.S.C. 50 §3901 (et seq):

Wells Fargo Bank, N.A.,

claiming to have an interest in a Mortgage covering real property in **Holland**, numbered **5 Brook Road**, given by **John P. Smith** to Mortgage Electronic Registration Systems, Inc., as nominee for Wintrust Mortgage, a division of Barrington Bank, its successors and assigns, dated **February 28, 2017**, and recorded in **Hampden County Registry of Deeds in Book 21111, Page 376**, as affected by a **Loan Modification dated October 2, 2018**, and recorded in **Said Registry of Deeds in Book 22222, Page 243**, and now held by plaintiff by assignment, has/have filed with this court a complaint for determination of Defendant's/Defendants' Servicemembers status.

If you now are, or recently have been, in the active military service of the United States of America, then you may be entitled to the benefits of the Servicemembers Civil Relief Act. If you object to a foreclosure of the above-mentioned property on that basis, then you or your attorney must file a written appearance and answer in this court at **Three Pemberton Square, Boston, MA 02108** on or before 2/17/2020 or you may lose the opportunity to challenge the foreclosure on the ground of noncompliance with the Act.

Witness, GORDON H. PIPER Chief Justice of this Court on 1/6/2020

Attest:

A TRUE COPY
ATTEST:

Deborah J. Patterson
RECORDER

Deborah J. Patterson
Recorder

(PLEASE SEE REVERSE FOR RETURN ON ORDER OF NOTICE)

19-011924



Office of the Sheriff











Hampden County • 95 Liberty St. • PO Box 5005 • Springfield, MA 01101-5005 • 413-732-5772

January 10, 2020

I hereby certify and return that on 1/9/2020 at 1:10 PM I served a true and attested copy of the ORDER OF NOTICE in this action in the following manner: By leaving at the last and usual place of abode of John P. Smith, to wit: 5 BROOK ROAD HOLLAND, MA 01521 , and by mailing 1st class to the above address on 1/9/2020. Attestation x 2 (\$10.00) Basic Service Fee (\$20.00) CONVEYANCE (\$4.50) Mailing (\$4.00) Travel (\$15.04) Total: \$53.54



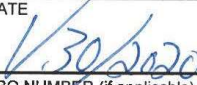
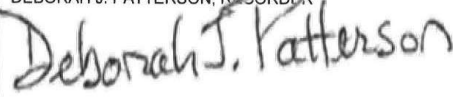
Deputy Sheriff MARIO CARDINALE


Deputy Sheriff

 TRIAL COURT OF MASSACHUSETTS	MILITARY AFFIDAVIT (pursuant to 50 U.S.C. § 3931)	Date Filed: 1/30/2020 9:48 AM Land Court Docket Number: 20 SM 000056				
COURT DEPARTMENT LAND	DIVISION OR COUNTY HAMPDEN					
CASE NAME <i>[In Matter of]</i> Wells Fargo Bank, N.A. [v.] 		COURT USE ONLY DOCKET NUMBER 20 SM 000056 SAMPLE OF MILITARY AFFIDAVIT				
Pursuant to the Servicemembers Civil Relief Act, 50 U.S.C. § 3931, I,  the undersigned, hereby state under oath or affirmation as follows: <input type="checkbox"/> The following party(ies) is/are currently in military service as defined in the Servicemembers Civil Relief Act. _____ _____ <input checked="" type="checkbox"/> The following party(ies) is/are NOT currently in military service as defined in the Servicemembers Civil Relief Act.  _____ _____ <input type="checkbox"/> I am unable to determine whether the following party(ies) is/are in military service as defined in the Servicemembers Civil Relief Act. As a result, pursuant to 50 U.S.C. § 3931(b)(3), I understand that the court, before entering judgment, _____ _____						
The following facts support this affidavit (required): A Department of Defense (SCRA) search was run for all defendants, revealing no active duty military service within the past 12 months _____ _____						
Subscribed and declared to be true under the penalties of perjury. <table border="1"> <tr> <td data-bbox="230 1535 1024 1598"> SIGNATURE  </td> <td data-bbox="1024 1535 1414 1598"> DATED 1/30/2020 </td> </tr> <tr> <td data-bbox="230 1598 1024 1661"> PRINT OR TYPE NAME  </td> <td data-bbox="1024 1598 1414 1661"> B.B.C. NUMBER (IF APPLICABLE) 680583 </td> </tr> </table>			SIGNATURE 	DATED 1/30/2020	PRINT OR TYPE NAME 	B.B.C. NUMBER (IF APPLICABLE) 680583
SIGNATURE 	DATED 1/30/2020					
PRINT OR TYPE NAME 	B.B.C. NUMBER (IF APPLICABLE) 680583					

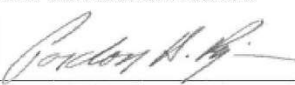
SAMPLE OF MOTION FOR JUDGMENT

Date Filed: 1/30/2020 9:48 AM
Land Court
Docket Number: 20 SM 000056

	Trial Court of Massachusetts Land Court Department 3 Pemberton Square, 5th floor Boston, MA 02108	DOCKET NUMBER 20 SM 000056	LAND COURT USE ONLY
MOTION FOR JUDGMENT IN A SERVICEMEMBER'S CASE 50 U.S.C. § 3953(c)(1)			
CASE NAME Wells Fargo Bank, N.A. v. <div style="background-color: black; width: 100px; height: 20px; margin: 0 auto;"></div>			
Now comes the Plaintiff in the above entitled case and respectfully moves that judgment be entered against the Defendant(s).			
ATTORNEY / PLAINTIFF SIGNATURE 		DATE 	
NAME (PRINT) Caleb J. Shureb		BBO NUMBER (if applicable) 680583	
EMAIL ADDRESS cshureb@orlans.com		TELEPHONE NUMBER (781) 790-7800	
ORDER OF THE COURT (for court use only)			
ALLOWED (Piper, C.J.) 2/19/2020		DEBORAH J. PATTERSON, RECORDER 	
ENTERED:			

SAMPLE OF JUDGMENT

Date Filed: 1/6/2020 12:08 PM
Land Court
Docket Number:

Date 2/19/2020
LET JUDGMENT ISSUE:

Gordon H. Piper, Chief Justice

**COMMONWEALTH OF MASSACHUSETTS
LAND COURT
DEPARTMENT OF THE TRIAL COURT**

Suffolk, ss.







Docket 20 SM 000056

Wells Fargo Bank, N.A.,
Plaintiff

**COMPLAINT TO DETERMINE
MILITARY STATUS**

v.


Defendant

1. Your Plaintiff has an interest in a mortgage with the statutory power of sale given by  to Mortgage Electronic Registration Systems, Inc., as nominee for Wintrust Mortgage, a division of Barrington Bank, its successors and assigns, dated February 28, 2017, recorded or filed at Hampden County Registry of Deeds in Book , Page , as affected by a Loan Modification dated October 2, 2018, recorded or filed at Said Registry of Deeds in Book , Page , covering , Holland, and more particularly described in said mortgage.
2. No Defendant(s) is/are in the military service within the meaning of the Servicemembers Civil Relief Act, 50 U.S.C. c. 50 §3901 (*et seq*)
3. The Plaintiff alleges on information and belief that the Defendant(s) is/are the only person(s) holding the equity of redemption of the property covered by the mortgage described in Paragraph 1 of this Complaint so far as appears of record in the said Registry of Deeds and as known to your plaintiff.
4. The holder of the mortgage seeks to proceed with the foreclosure of said mortgage described in Paragraph 1 to protect its interest as secured thereby for breach of the conditions thereof and desires to comply with the provisions of the Servicemembers Civil Relief Act

Wherefore your plaintiff prays:

1. For an order of notice ordering the Defendant(s) to appear and answer this complaint if Defendant(s) is/are now, or recently have been, in the active military service and claim the benefits of the Servicemembers Civil Relief Act.
2. For a judgment declaring that the Defendant(s) is/are not entitled to the benefits of the Servicemembers Civil Relief Act.

/s/ Abigail Chmielecki
ATTORNEY FOR THE PLAINTIFF
BBO. # 693868
Date: 1/6/20
achmielecki@orlans.com
From the Office of :

Orlans PC

PO Box 540540

Waltham, MA 02454

Telephone No. (with extension): (781) 790-7800

Office File no. (If Available): 19-011924

LAND COURT USE ONLY

Under the provisions of the Servicemembers Civil Relief Act, this cause came on to be heard and thereupon, upon consideration thereof, it appearing to the Court that the Defendant(s) is/are not entitled to the benefits of said Act, it is hereby

ORDERED and **ADJUDGED** that the Defendant is/are not entitled to the benefits of the Servicemembers Civil Relief Act, as of 2/19/2020, the date of the allowance of Plaintiff's motion for judgment.

By the Court().

Attest:

(SEAL)

Deborah J. Patterson

Deborah J. Patterson,
Recorder